

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, February 14, 2007

9:00 a.m.

Room 521 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative Paul Condino**, Chair.

MEMBERS PRESENT: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca.

MEMBERS ABSENT/EXCUSED: None.

Chairman Condino laid **HB 4044**, **HB 4045** and **HB 4046** before the committee:

HB 4044	Simpson	Torts; product liability; immunity from liability for drugs that have been approved by federal food and drug administration; rescind.
HB 4045	McDowell	Civil procedure; statute of limitations; drug product liability cases previously prohibited because of FDA approval defense; allow to be commenced within 3 years of repeal of the defense.
HB 4046	Valentine	Consumer protection; unfair trade practices; liability for inaccurate representations concerning risks of certain drugs, medications, and supplements; clarify.

TESTIMONY

Representative Simpson, sponsor of HB 4044, explained his bill to the committee.

Representative McDowell, sponsor of HB 4045, explained his bill to the committee.

Representative Valentine, sponsor of HB 4046, explained her bill to the committee and submitted written testimony.

Linda Teeter, representing Michigan Citizen Action, testified in support of HB 4044.

Leslie Wiltjer, representing the Drug Industry Immunity Must End Coalition (DIIME), testified in support of HB 4044.

Kim Ross, representing Pfizer, testified in opposition to the bills.

Marjorie Powell, representing the Pharmaceutical Research and Manufacturers of America (PhRMA), testified in opposition to the bills.

Robert Darling, representing the Michigan Trial Lawyers Association, testified in support of the bills.

Vicki Chamberlain, representing the Drug Industry Immunity Must End Coalition (DIIME), testified in support of HB 4044.

Joe Schwartz, M.D., representing himself, testified in opposition to the bills.

Kim Babinski, representing herself, testified in opposition to the bills.

Greg Aronin, representing the Johnson & Johnson Co., testified in opposition to the bills on behalf of **Steve Rapundalo** of MICHBIO and submitted written testimony.

Chairman Condino read in the following testimony cards:

Representative David Robertson, representing Anthony Thomas Lesnick, a cancer survivor, submitted a card in opposition to the bills and Mr. Lesnick's written testimony.

Robert B. Dorigo Jones, representing the Michigan Lawsuit Abuse Watch, submitted a card in opposition to the bills and written testimony.

Ken Fletcher, representing the Michigan State AFL-CIO, submitted a card in support of the bills and did not wish to speak.

Bonnie Bochniak, representing the Michigan Business and Professional Association, submitted a card in opposition to the bills and did not wish to speak.

Caroline Ruddell, representing the Michigan Dental Association, submitted a card in opposition to HB 4044 and HB 4045 and did not wish to speak.

Del Chenault, representing Eli Lilly, submitted a card in opposition to HB 4044 and did not wish to speak.

Rich Studley, representing the Michigan Chamber of Commerce, submitted a card in opposition to the bills and did not wish to speak.

Nadine Nosal, representing the International Union, UAW, submitted a card in support of the bills and did not wish to speak.

Joe Neller, representing the Michigan Academy of Family Physicians, submitted a card in opposition to HB 4044 and HB 4045 and did not wish to speak.

Brian O'Connell, representing Wyeth, submitted a card in opposition to the bills and did not wish to speak.

Jared Rodriguez, representing the Grand Rapids Chamber of Commerce, submitted a card in opposition to the bills and did not wish to speak.

Eric Rule, representing the Michigan Retailers Association, submitted a card in opposition to HB 4046 and did not wish to speak.

Doug Borruso, representing the Michigan Osteopathic Association, submitted cards in opposition to the bills and did not wish to speak.

Charles Seeds, representing Abbott Laboratories, submitted a card in opposition to the bills and did not wish to speak.

Charles G. Williams, representing GlaxoSmithKline, submitted a card in opposition to the bills and did not wish to speak.

John Valenti, representing Sanofi-Aventis, submitted a card in opposition to the bills and did not wish to speak.

James Vance, representing Merck and Co., Inc., submitted a card in opposition to the bills and did not wish to speak.

Mike DeGrow, representing the Michigan Academy of Physician Assistants, submitted a card in opposition to the bills and did not wish to speak.

Colin Ford, representing the Michigan State Medical Society (MSMS), submitted a card in opposition to the bills and did not wish to speak.

Christine Shearer, representing the Michigan Association of Health Plans, submitted a card in opposition to the bills and did not wish to speak.

Martin Dodge, representing the Kalamazoo Regional Chamber of Commerce, submitted a card in opposition to the bills and did not wish to speak.

Kevin Kraushaar, representing the Consumer Healthcare Products Association, submitted a card and written testimony in opposition to the bills and did not wish to speak.

Amanda Fisher, representing the National Federation of Independent Business, submitted a card in opposition to the bills and did not wish to speak.

Marilyn Vetter, representing Takeda Pharmaceuticals, submitted a card in opposition to the bills and did not wish to speak.

Dick Van Koevering, representing the Insurance Institute of Michigan, submitted a card in opposition to the bills and did not wish to speak.

Katey Shine, representing herself, submitted a card in opposition to the bills and did not indicate if she wanted to speak.

Mary Shine, representing herself, submitted a card in opposition to the bills and did not wish to speak.

Senator Roger Kahn, representing District 32, submitted a VIOXX handout and a card in opposition to the bills. Senator Kahn did not wish to speak.

Francis M. Fitzgerald, Manager of Public Affairs, State Government Relations, representing the Eli Lilly Co., submitted written testimony in opposition to the bills.

Richard Knapp, Executive Director, State Government Affairs, representing the Novartis Pharmaceuticals Corporation, submitted written testimony in opposition to the bills.

Terry Kowalenko, MD, FACEP, President, representing the Michigan College of Emergency Physicians, submitted written testimony in opposition to the bills.

Polly Lilleboe, MD, a local emergency physician, submitted written testimony in opposition to the bills.

Steward Sandstrom, CCE, President and CEO, representing the Kalamazoo Regional Chamber of Commerce, submitted written testimony in opposition to the bills.

Melissa Trustman, Senior Director, Government Relations, representing the Detroit Regional Chamber of Commerce, submitted written testimony in opposition to the bills.

Pharmaceutical Research and Manufacturers of America (PhRMA) submitted written testimony in opposition to the bills.

Paul O. Farr, MD, representing the Michigan State Medical Society, submitted written testimony in opposition to HB 4044.

Charles E. Seeds, Regional Director for State Government Affairs, representing Abbott Laboratories, submitted written testimony in opposition to the bills.

Mary Shine, representing herself, submitted written testimony in opposition to the bills.

Katey Shine, representing herself, submitted written testimony in opposition to the bills.

Charles G. Williams, Director, State Government Affairs, representing GlaxoSmithKline, submitted written testimony in opposition to the bills.

Matt Hedberg, Government Affairs Manager, representing the Schering Plough Corporation, submitted written testimony in opposition to the bills.

Charlie Owens, State Director, representing the National Federation of Independent Business (NFIB), submitted written testimony in opposition to the bills.

Sandra Phillips, Pfizer Senior Vice President and Associate General Counsel, submitted written testimony in opposition to the bills.

Chuck Hadden, Vice President of Government Affairs, representing the Michigan Manufacturers Association, submitted written testimony in opposition to HB 4044.

Wyeth Pharmaceuticals submitted written testimony in opposition to the bills.

Steve Kermisch, Director, State Government Affairs, representing Takeda Pharmaceuticals North America, Inc. (TPNA), submitted written testimony in opposition to the bills.

Henry Greenspan, Ph.D, representing Justice in Michigan, submitted written testimony in support of HB 4044.

Leslie Richter, representing the Drug Industry Immunity Must End Coalition (DIIME), testified in support of the bills.

Representative Meadows moved to report **HB 4044** with recommendation.

The motion prevailed by a vote of **12-3-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, David Law, Rick Jones and Rocca,

Nays: Representatives Schuitmaker, Elsenheimer and Stakoe,

Pass: None.

Representative Meadows moved to report **HB 4045** with recommendation.

The motion prevailed by a vote of **9-5-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Virgil Smith, Warren and Rocca,

Nays: Representatives Scott, Schuitmaker, Elsenheimer, Stakoe and Rick Jones,

Pass: Representative David Law.

Representative Meadows moved to report **HB 4046** with recommendation.

The motion prevailed by a vote of **10-4-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren and Rocca,

Nays: Representatives Schuitmaker, Elsenheimer, Stakoe and Rick Jones,

Pass: Representative David Law.

There being no further business to come before the committee, the Chair adjourned the meeting at 12:42 p.m.

Representative Paul Condino, Chair
House Standing Committee on Judiciary

Malika Abdur-Rashid

Committee Clerk

517-373-7256

3 Hours 42 Minutes